

Remarks35 U.S.C. 101 Rejections

Claims 10-14, 16-27 and 29-41 were rejected under 35 U.S.C. 101 for not setting forth a concrete, useful and tangible result. Applicant traverses this rejection, and questions why this rejection was neither presented nor suggested by the Examiner in the Office Action mailed July 7, 2003 or the telephone interview of August 14, 2003. Applicant believes that independent claims 10 and 23, as previously submitted, each set forth a concrete, useful and tangible result.

The result of claim 10 is concrete and tangible because a state of the client node is altered in a specific way by the act of storing the advertiser-usable variables in at least one cookie before any of the user-selectable hyperlinks have been user-selected from the referring Web resource using the client node. The result of claim 10 is useful because by storing the advertiser-usable variables in at least one cookie before any of the user-selectable hyperlinks have by user-selected from the referring Web resource, an advertisement server node can access the advertiser-usable variables initially set forth within at least one script of the referring Web resource after one of the user-selectable hyperlinks is user-selected from the referring Web resource.

The result of claim 23 is concrete and tangible because a state of a database of the advertisement server node is

altered in a specific way by the act of storing the advertiser-usable variables before any of the user-selectable hyperlinks have been user-selected from the referring Web resource using the client node. The result of claim 23 is useful because by storing the advertiser-usable variables at the database before any of the user-selectable hyperlinks have by user-selected from the referring Web resource, an advertisement server node can access the advertiser-usable variables initially set forth within at least one script of the referring Web resource after one of the user-selectable hyperlinks is user-selected from the referring Web resource.

Notwithstanding the above arguments, Applicant has amended claims 10 and 23 as suggested by the Examiner in an attempt to advance the prosecution of this case. Amended claims 10 and 23 now include an act of displaying by the client node an advertisement, targeted to the client node by an advertisement server node based on the stored first advertiser-usable variable specific to the first Web resource, after the first hyperlink has been user selected from the referring Web resource using the client node. However, Applicant reserves the right to subsequently present claims which Applicant believes satisfy 35 U.S.C. 101 without an act of displaying a targeted advertisement.

Claims 36-38, 40 and 41 were rejected under 35 U.S.C. 101 for not being within the technological arts. Independent claim 36 has been amended to include acts of selecting, providing, and displaying the advertisement to

clearly set forth a concrete, useful and tangible result, and be undoubtedly within the technological arts.

**35 U.S.C. 112 Rejections**

Claims 10-14, 16-22 and 36-41 were rejected under 35 U.S.C. 112, second paragraph.

To address the Examiner's rejection of claims 10 and 11, claim 10 has been reworded, without being narrowed, to positively recite storing the first advertiser-usable variable and the second advertiser-usable variable in at least one cookie for the client node. This rewording expresses what had been implicit as previously worded using the infinitive of the verb "to store".

Regarding claim 21, the Examiner was confused about the relationship between the level number, resource/link position and any ancestors. Generally, claims 21 and 34 recite features wherein each advertiser-usable variable is based on the ancestry of its corresponding Web resource in the tree. More specifically, the particular ancestor on which the advertiser-usable variable is based is the ancestor at a predetermined level number in the tree. Claims 22 and 35 feature the case of the predetermined level number being one.

To address the Examiner's rejection of claim 36, claim 36 has been amended to include acts of selecting, providing, and displaying the advertisement based on said targeting.

To address the Examiner's rejection of claims 36, 40 and 41, the word "acceptable" has been deleted from claims

36, 40 and 41.

Claim 38 has been canceled without prejudice or disclaimer of any kind, thus making its 112 rejection moot.

### **35 U.S.C. 102 Rejections**

Claims 10, 16-23 and 29-35 were rejected under 35 U.S.C. 102(a) as being anticipated by Culliss (U.S. Patent No. 6,078,916). These rejections are respectfully traversed.

Regarding claim 10, Culliss does not disclose storing different advertiser-usable variables, which are specific to different Web resources and are read from a client node from a script of a referring Web resource, in cookie(s) for the client node before any hyperlinks to the different Web resources from the referring Web resource have been user-selected, and thereafter displaying by the client node an advertisement with a Web resource after a hyperlink to the Web resource has been user-selected from the referring Web resource, the advertisement being targeted to the client node based on an advertiser-usable variable in the cookie(s).

Culliss discloses use of cookies at column 14, lines 15-33 and column 29, lines 22-30. In column 14, the cookies store time stamps to determine a time spent inspecting an article. This suggests that the time stamps for an article are stored in a cookie after the article is selected for viewing, which contrasts with claims 10 and 23 wherein the advertiser-usable variables are stored in at least one

cookie before any articles are selected. In column 29, the cookies store search activity data used to alter an index for organizing the articles. However, Culliss does not teach an advertisement server node using these cookies so that a targeted advertisement is displayed with an article after the article is selected for viewing.

Regarding claim 23, Culliss does not disclose storing different advertiser-usable variables, which are specific to different Web resources and are read from a client node from a script of a referring Web resource, in a database of an advertisement server node before any hyperlinks to the different Web resources from the referring Web resource have been user-selected, and thereafter displaying by the client node an advertisement with a Web resource after a hyperlink to the Web resource has been user-selected from the referring Web resource, the advertisement being targeted to the client node based on the advertiser-usable variable in the database.

Regarding claims 18-22 and 31-35, the Examiner stated that "any of the links appearing within the tree/list of results can be taken to be 'internal' to the list/tree" and "the links on the list/tree can be taken as 'leaves' of the tree". The Examiner's definitions of "internal" and "leaf" are inconsistent with their conventional definitions.

Applicant directs the Examiner to page 8, line 3 to page 9, line 11 of the present application to find a review of trees and graph-related terminology. In particular, starting on page 9, line 1, a leaf node is conventionally defined as a

node with no children, and an internal node is conventionally defined as a node with at least one child. As presently understood, the cookies disclosed in Culliss do not include a leaf-or-internal node indicator.

Claims 36-41 were rejected under 35 U.S.C. 102(a) as being anticipated by Culliss. These rejections are respectfully traversed. The Examiner stated that column 17 of Culliss teaches "providing advertising with search results based on the search term". Culliss indeed teaches including advertising banners on a search page of hyperlinks to articles, but does not teach targeting a subsequent advertisement, which is displayed with an article after the user selects a hyperlink to the article from the search page, based on the browsing sequence position of the article.

Claims 36-41 were alternatively rejected under 35 U.S.C. 102(a) as being anticipated by Davis et al. (U.S. Patent No. 6,269,361 B1). These rejections are respectfully traversed. Davis et al. teaches an information provider influencing a position for a search listing in a search results list. In the context of Davis et al., claims 36-41 comprise acts that could be performed after a user has clicked on the search listing in the search results of Davis et al. The acts would comprise selecting an advertisement based on a browsing sequence position of the search listing, and displaying the advertisement with a Web page pointed to by the search listing.

**35 U.S.C. 103 Rejections**

Claims 11, 12, 14, 24, 25, 27 and 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al. (U.S. Patent No. 6,308,202 B1). These rejections are respectfully traversed.

The Examiner stated that Cohn et al. contributes to the rejection of claims 11, 12, 24 and 25 by teaching the idea of showing ads based upon the selected link URL. However, claims 1, 11, 20 and 30 of Cohn et al. teach that the ad based upon a selected link URL is targeted "independent of the user terminal requesting content" (emphasis added).

This teaches away from claims 11, 12, 24 and 25 of the present application which recites acts to select advertising dependent on the client node. For example, claims 11 and 12 comprise retrieving a specific advertiser-usable variable from the client node in order to select a specific advertisement for the client node. Claims 24 and 25 comprise retrieving a specific advertiser-usable variable read from the client node and stored in a database in order to select a specific advertisement for the client node. These features enable different advertisements to be targeted for different client nodes who go to the same URL.

Regarding claims 14 and 27, the Examiner stated that it would have been obvious to have satisfied the advertising requests by reading the cookies to determine the URLs. However, the act of receiving the advertising request in claims 14 and 27 is performed before the act of storing the advertiser-usable variables in the at least one cookie or

the database in independent claims 10 and 23.

Regarding claims 36 and 38, the Examiner stated that advertising based on the URLs of the hits reads on the claims. Applicant respectfully disagrees. Claim 36 comprises targeting an advertisement to a particular numerical range of one or more positions in browsing sequences of Web resources. Thus, the advertisement is targeted to multiple browsing sequences, but the same particular numerical range in each of the multiple browsing sequences. This feature is not disclosed in Culliss or Cohn et al.

Claims 13 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al. and Merriman et al. (U.S. Patent No. 5,948,061). These rejections are respectfully traversed. Claims 13 and 26 are submitted to be patentable by depending from claims 11 and 24, respectively, which were submitted to be patentable in the foregoing remarks.

Claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al. and Davis et al. This rejection is respectfully traversed. The Examiner stated that it would have been obvious to include a component of advertisers paying to affect the placement/order of search results with the scoring and ordering of Culliss' search results, where advertisers pay more for higher listings as taught by Davis et al. However, the Examiner's combination relates to advertising on a page of search results, whereas claim 37 relates to billing rates



charged for advertising presented to a user after the user has selected a hyperlink in a browsing sequence (e.g. the billing rate for an advertisement displayed with an article after the user has clicked on a hyperlink to the article from the search results page).

New claim 42, which depends from claim 10, has been added to feature the at least one cookie being unreadable by a content node which provides the first Web resource to the client node. New claim 43, which depends from claim 10, has been added to feature the at least one cookie being unreadable by a content node which provides the referring Web resource to the client node. New claim 44, which depends from claim 10, has been added to feature the at least one cookie being unreadable by content nodes which provide the referring Web resource and the first Web resource to the client node. Support for the claims can be found on page 22, lines 11-15 of the present application.

New claim 45 has been added to provide the Examiner with a single claim that: (i) details many acts performed by the client node and the advertisement server node in one embodiment; (ii) undoubtedly has a concrete, useful and tangible result; and (iii) is clearly patentable over the cited references.

Submitted herewith is an Information Disclosure Statement, and payment for fees associated with the IDS and the extra independent claim.

Applicant submits that the present application is now in a condition for allowance. The Examiner is invited to

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call the Applicant at the telephone number below if he believes any additional issues need to be resolved.

Respectfully submitted,

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